IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.1157 OF 2006

Chembur Venus Co-operative
Housing Society Ltd. .. .. Petitioner

Vs.

The Dy.Registrar, C.S. & Ors. .. Respondents
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S/Shri Rajeev Kumar with A.S.Desai for the petitioner.

Ms V.S.Mhaispurkar, AGP for the respondent no.1.

Shri N.V.Walawalkar, Sr.Advocate, with Naushad Engineer i/b M/s. Negandhi, Shah & Hidayatullah for the respondent Nos.3 and 4.

Shri J.S.Shukla for the respondent No.5.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 7th October, 2006

P.C.

1. Heard. The petitioner challenges the order passed by the lower authorities granting membership to the respondent No.3 of the society pursuant to the purchase of the Flat No.101. Considering all the materials on record and more particularly the findings arrived at by the Division Bench in the Appeal No.434

of 2006 in its order dated 19th June, 2006, the main grievance of the petitioner relates to the sale of flat for a price lesser than which was expected and without the consent of the petitioner. Undisputedly, in relation to both these aspects there is a suit filed by the petitioner and the same is pending before the learned Single Judge of this Court.

2. In the motion taken out in the said suit, the learned Single Judge has already directed the respondent No.4 to deposit a sum of Rs.43 lakhs so as to ensure the consideration price in relation to the said transaction and it is not in dispute that the said amount has already been deposited by the respondent No.4 in the Court. In the circumstances, merely because the authorities have granted the right of membership to the respondent No.3, that would not be a fit case for interference in writ jurisdiction in the said order, at this stage. Once the suit is pending to decide all the points in dispute between the parties and the Court is ceased of the matter in that regard, needless to say that the membership granted by the authorities to the respondent No.3 would be subject to the final outcome in the said suit.

3. With these observations, there is no case made out for interference in the impugned order in writ jurisdiction under Article 227 of the Constitution. Hence, the petition is rejected.

(R.M.S.KHANDEPARKAR, J)